

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

CYRUS HAZARI,

Plaintiff,

v.

SUPERIOR COURT OF SANTA CLARA  
COUNTY ET AL, et al.,

Defendants.

Case No. [21-cv-04262-JSW](#)

**ORDER REGARDING REQUEST FOR  
AN ORDER TO SHOW CAUSE WHY  
PLAINTIFF'S MEDICAL  
DOCUMENTS SHOULD BE  
MAINTAINED UNDER SEAL RE:**

Dkt. No. 37

On August 25, 2021, the Court granted Plaintiff's request to file medical records under seal, and on September 8, 2021, it granted another motion to file medical records under seal, granted a motion to stay this matter, and denied Defendant Mandy Brady's pending motion to dismiss without prejudice. In the latter order, the Court stated it would not preclude Ms. Brady from seeking leave to lift the stay, if she could show good cause for doing so. Ms. Brady now asks the Court to require Plaintiff to show cause why his medical records should remain under seal. She argues she should be able to review them, to determine if good cause exists to lift the stay.

Implicit in Ms. Brady's request is the assertion that Plaintiff did not serve her with a copy of the documents he asked the Court to seal, as is generally required under both the Federal Rules of Civil Procedure and this Court's Civil Local Rules. *See* Fed. R. Civ. P. 5(a); N.D. Civ. L.R. 5-5, 7-11(a), and 79-5(d)(1) (administrative motions to seal shall be filed in conformance with Local Rule 7-11). Although Plaintiff is proceeding *pro se*, he is expected to follow the rules of procedure. *See, e.g., King v. Atiyeh*, 814 F.2d 565, 567 (9th Cir. 1987), *overruled on other grounds Lacey v. Maricopa County*, 693 F.3d 896, 928 (9th Cir. 2012); *see also Ghazali v. Moran*, 46 F.3d 52, 54 (9th Cir. 1995) ("Although we construe pleadings liberally in their favor, *pro se*

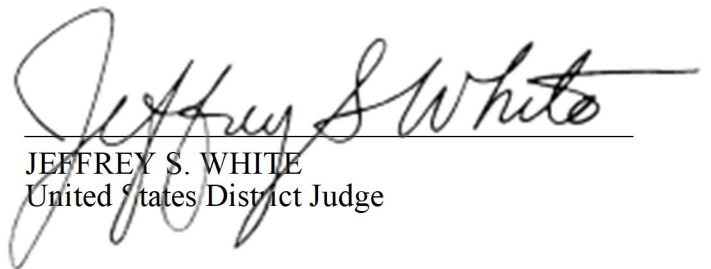
litigants are bound by the rules of procedure.”).

The Court ORDERS Plaintiff to show cause, in writing, by no later than October 12, 2021, why he should not be required to **serve** his motions to seal and the accompanying documents on Ms. Brady.

Although the Court will require Plaintiff to show cause why those documents should not be served on Ms. Brady, the Court denies Ms. Brady’s request to require Plaintiff to show cause why the documents should be maintained under seal. The Court will revisit that decision when it is called upon to consider the merits of Plaintiff’s claims. *See, e.g. Lawrence v. City & County of San Francisco*, No. 14-cv-802-MEJ, 2015 WL 1093081, at \*3 (N.D. Cal. Mar. 10, 2015) (noting that “privacy rights in medical records are neither fundamental nor absolute” and “[w]hen a plaintiff places his medical status at issue, the expectation to privacy to those conditions is diminished”) (internal citations and quotations omitted). The Court will also revisit Ms. Brady’s request to require Plaintiff to post security, contained in an exhibit to her request for an order to show cause, at the time it determines the stay should be lifted.

**IT IS SO ORDERED.**

Dated: September 27, 2021

  
JEFFREY S. WHITE  
United States District Judge